

REMARKS

The foregoing Amendment and remarks which follow are responsive to the Office Action mailed October 12, 2005 in relation to the above-identified patent application. In that Office Action, Claims 1 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crean 6,623,058 ('058) reference in view of the DiBiagio et al. 5,658,031 ('031) reference. Claims 2, 3, 5, 6, 10-13, 15, 16, and 20 were rejected under §103(a) as being upatentable over Crean '058 in view of DiBiagio et al '031 as applied to Claim 1, and further in view of the Crean 6,637,804 ('804) reference. Claims 4, 7, 8, 14, 17, and 18 were rejected under § 103(a) as being unpatentable over Crean '058 in view of DiBiagio et al. '031 and Crean '804 as applied to Claims 2 and 12, and further in view of the Futrell et al. 5,785,373 ('373) reference. Claims 9 and 19 were rejected under § 103(a) as being unpatentable over Crean '058 in view of DiBiagio et al. '031 and Crean '804 as applied to Claims 2 and 12, and further in view of McManus 2002/0057000.

By this Amendment, Applicant has cancelled Claims 2 and 21, and has amended independent Claim 1 to recite the features originally set forth in Claim 2. Thus, as amended, Claim 1 describes a pair of slide outs being movably attached to the chassis in opposed relation to each other, and selectively movable between extended and retracted positions relative to respective ones of the first and second side walls of the vehicle. Claims 5, 10 and 11 have each been amended as well only to correct their dependency in view of the cancellation of Claim 2.

1. **Amended Claim 1 and Original Claim 12 Each Teach a Recreational Vehicle Having a Pair of Slide Outs Which Each Extend from the Cab to the Back Wall.**

As indicated above, independent Claim 1 has been amended to describe a pair of slide outs being movably attached to the chassis in opposed relation to each other, and selectively movable between extended and retracted positions relative to respective ones of the first and second side walls of the vehicle. In addition, each slide out is described in Claim 1 as extending from the cab to the back wall. Applicant has removed the previous limitation in Claim 1 regarding at least one device requiring a fluid connection for operability being fixedly attached to a slide out.

In its original form, independent Claim 12 describes the recreational vehicle as including a pair of slide outs which are moveably attached to the chassis and extend from the cab to the back wall. Additionally, in Claim 12, each of the slide outs is described as defining an outer wall and being selectively moveable between a retracted position whereat the outer walls are substantially flush with respective ones of the first and second side walls, and an extended position whereat the outer walls protrude outwardly from respective ones of the first and second side walls.

2. The Cited Prior Art Does Not Teach or Suggest a Recreational Vehicle Having a Pair of Slide Outs Extending From the Cab to the Back Wall.

As is discussed in detail below, Applicant respectfully asserts that neither the Crean '058 reference nor the Crean '804 reference teach, suggest, or show a recreational vehicle comprising a pair of slide outs extending from the cab to the back wall.

As is apparent from the latest Office Action, the Examiner appears to take the position that the combination of the Crean '058 and Crean '804 references teaches a recreational vehicle having a pair of slide outs which each extend from the cab to the back wall. The DiBiagio et al '031 reference is relied upon only for its purported teaching of the attachment a device requiring a fluid connection for operability to a slide out, its pertinence thus being diminished by the deletion of this particular feature from the amended version of Claim 1.

More particularly, the Examiner argues that Crean '058 discloses a recreational vehicle having one slide out that is movably attached to the chassis and extends from the cab to the back wall. However, the Examiner admits that Crean '058 does not show a pair of slide outs. To satisfy this deficiency, the Examiner relies upon Crean '804, arguing that it teaches a pair of slide outs which are each movably attached to the chassis in opposed relation to each other. In this regard, the Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the recreational vehicle of Crean '058 with a pair of slide outs as taught by Crean '804, in order to increase the usable interior space of the main room of the recreational vehicle (Office Action, pages 4-5). Applicant respectfully disagrees with this conclusion.

a. The Crean '058 reference teaches a slide out extending from the cab to the back wall on the left side, or right side; not both sides.

The Crean '058 reference teaches a slide out extending either from the left side of the recreational vehicle, or the right side, but not both sides. The following language from the Crean '058 reference illustrates this point:

[A]lthough the preferred embodiments shown FIGS. 1A and 1B illustrate the exterior slide out assembly 112 extending from the left side of the RV 100a, 100b, it can be appreciated that the exterior slide out assembly 112 could be adapted to extend from the right side of the RV 100a, 110b (Crean '058, col. 5, lines 39-44).

Importantly, the Crean '058 incorporates by reference U.S. patent application Ser. No 09/595,144 (Crean '058, col. 12, lines 39-44), which matured into U.S. Patent No. 6,293,612 to Crean (the "Crean '612 reference"). The Crean '612 reference gives explicit reasons why, in the Crean '058 reference, one and **only one** full length slide out is included in the vehicle. More particularly, as is explained in the Crean '612 reference:

[A]djacent the living room area is the kitchen area 150a which includes a kitchen counter 180a, a stove 170a, a food pantry 182a, a refrigerator 184a, a kitchen sink 172a, and a set of dining furniture 174a. In this embodiment, most of the above described kitchen appliances are generally positioned adjacent the second side wall 166a of the main housing 106a... (Crean '612, col. 7, lines 45-51).

Advantageously, in this embodiment, the deployment of the exterior slide-out assembly 112a will not displace the bathroom fixtures, kitchen appliances, and the related plumbing assembly as the fixtures and appliances requiring plumbing are preferably placed against the second side wall 166a of the main housing 106a so as to be unaffected by the deployment of the slide-out assembly 112a (Crean '612, col. 8, lines 21-28).

Thus, as succinctly explained in the Crean '612 reference incorporated by reference into the Crean '058 reference, only one full length slide out is included in the vehicle since fixtures and appliances requiring plumbing are to be placed against an opposed, fixed side wall of the vehicle. In this regard, Applicant respectfully submits that the Crean '612

reference, and hence the Crean '058 reference, clearly teaches away from an opposed pair of slide outs which each extend from the cab to the back wall.

It is well settled that the "mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP 2143.01 (citing *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)). Accordingly, a conclusion that modifications of the prior art to meet the claimed invention would have been within the ordinary skill in the art because all aspects of the invention were individually known is not sufficient too establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references.

Applicant respectfully submits that the Examiner's argument that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the recreational vehicle of Crean '058 with a pair of slide outs as taught by Crean '804 in order to increase the usable interior space of the main room of the recreational vehicle, is such a blanket conclusion wherein the particulars of the motivation to combine are not set forth. Indeed, because Crean '058 actually teaches away from the inclusion of and opposed pair of slide outs extending from the cab to the back wall for the reasons set forth above, Applicant respectfully submits that one of ordinary skill in the art considering the Crean '058 reference would clearly not be motivated to combine the teachings of the Crean '804 reference thereto to satisfy the feature of an opposed pair of extended slide outs, such combination thus being based on nothing more than the application of impermissible hindsight. Since neither slide out in the Crean '804 reference actually extends from the cab to the back wall, it appears that the only potentially valid combination of the Crean '804 reference with the Crean '058 reference would be to teach the inclusion of a second slide out in the vehicle described in the Crean '058 reference, such second slide out being disposed in the fixed wall of the vehicle but not extending between the cab and the back wall, thus not interfering with any kitchen appliances, bathroom fixtures or plumbing.

In addition, it is well understood that if a proposed modification would "render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP 2143.01 (citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). Applicant respectfully submits

that combining the Crean '804 reference with the Crean '058 reference would render the resulting combination unsatisfactory for its intended purpose. The purpose of placing all fixtures and appliances requiring plumbing against a fixed wall, as shown in FIG. 2B of the Crean '058 reference and explained in the Crean '612 reference incorporated into the the Crean '058 reference, is so deployment of the slide out will not displace such fixtures and appliances. Combining the Crean '058 reference with the Crean '804 reference in the manner suggested by the Examiner would thus render the vehicle described in the Crean '058 reference unsatisfactory for its intended purpose. Therefore, it is submitted that a *prima facie* case of obviousness has not been met.

Thus, Applicant respectfully submits that independent Claims 1 and 12 are not rendered obvious by any combination of the prior art references of record, and thus are each in condition for allowance, as are Claims 3-11 and 13-20 as being dependent on respective allowable base claims.

3. Drawings

In the latest Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a), stating that the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner required that at least one device requiring a fluid connection for operability fixedly attached to the at least one slide out (claim 1) and a sink; a shower; a toilet; a stove; a refrigerator; an oven; and combinations thereof (claim 21) must be shown or the features canceled from the claims.

Applicant respectfully submits that its amendment of Claim 1 in the above-described manner and cancellation of Claim 21 has effectively overcome the aforementioned objection to the drawings.

4. Conclusion

On the basis of the foregoing, Applicant respectfully submits that the stated grounds of rejection have been overcome, and that Claims 1 and 3-20 are now in condition for allowance. Additionally, Applicant respectfully submits that the present Amendment does not raise new issues which would require further searching on the part of the Examiner, and therefore respectfully requests that the same be considered and entered by the Examiner. An early Notice of Allowance is therefore respectfully requested.

Application No.: 10/821,314
Response to Office Action of 06/21/2005
Attorney Docket: REXIN-012A

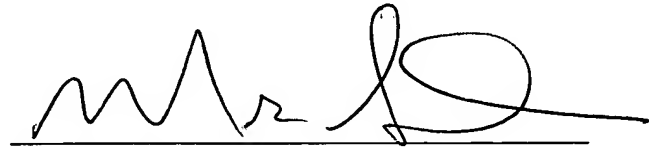
Should the Examiner have any suggestions for expediting allowance of the Application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 11/18/05

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